

EXHIBIT C

Michael N. Impellizeri

From: Michael N. Impellizeri
Sent: Monday, May 6, 2024 9:02 AM
To: Gorman, Daniel E.
Cc: Ken Novikoff; Michael Mule; NKoster@mllaborlaw.com; Gibbs, J. Evan; Adler, Matt; Kent, Paris L.; kmulry@FarrellFritz.com
Subject: RE: Demand to Withdraw Subpoena - Siteone Landscape Supply, LLC v. Giordano et al. / 2:23-cv-02084-GRB-SIL

Daniel:

We'd prefer to meet and confer today. Let us know a time that works best for you, and we'll circulate a dial-in.

We fundamentally disagree with your assertion that Defendants lack standing, and your purported argument that Defendants' motion to quash would be untimely. The Second Circuit is in uniform agreement that financial records, such as bank records, fall within the scope of information to which a party "enjoys a personal right or privilege." Sky Med. Supply Inc. v. SCS Support Claim Servs., Inc., No. CV126383JFBAKT, 2017 WL 1133349, at *5 (E.D.N.Y. Mar. 24, 2017).

Additionally, Defendants may move to quash at any time before the return date of the Subpoena. Est. of Tillman by Tillman v. City of New York, 345 F.R.D. 379, 385 (E.D.N.Y. 2024).

All rights reserved. Thank you.



Michael N. Impellizeri

Associate

926 RXR Plaza, Uniondale, NY 11556-0926

D 516.357.3118 T 516.357.3000 F 516.357.3333

Michael.Impellizeri@rivkin.com

www.rivkinradler.com



From: Gorman, Daniel E. <Daniel.Gorman@troutman.com>
Sent: Saturday, May 4, 2024 2:31 PM
To: Michael N. Impellizeri <Michael.Impellizeri@rivkin.com>
Cc: Ken Novikoff <Ken.Novikoff@rivkin.com>; Michael Mule <MichaelMule@mllaborlaw.com>; NKoster@mllaborlaw.com; Gibbs, J. Evan <Evan.Gibbs@troutman.com>; Adler, Matt <Matt.Adler@troutman.com>; Kent, Paris L. <Paris.Kent@troutman.com>; kmulry@FarrellFritz.com
Subject: [EXTERNAL] RE: Demand to Withdraw Subpoena - Siteone Landscape Supply, LLC v. Giordano et al. / 2:23-cv-02084-GRB-SIL

Michael:

We write on behalf of SiteOne in response to your email below, and the letter sent on May 3 to American Community Bank (“ACB”), regarding the subpoena served by SiteOne on ACB on April 26 (the “Subpoena”).

As a threshold matter, Defendants do not have standing to quash the Subpoena based on any purported grounds of burden or relevance. *See Allstate Ins. Co. v. A & F Med. P.C.*, No. 14-CV-6756, 2016 WL 7116067, at *4 (E.D.N.Y. Dec. 6, 2016). Under well-settled law, only ACB can assert those alleged arguments (which it has not). Further, your objections to the Subpoena are untimely under Fed. R. Civ. P. 45(a)(4) by failing to take issue on or before April 26. Your letter directing ACB to not comply is also improper as the Subpoena remains in full force until the Court has issued an order stating otherwise.

Subject to and with full reservations of rights, we are willing to meet and confer on the issues you’ve raised. We will also send you a draft stipulated protective order Monday to alleviate any privacy concerns. Please let us know your availability for a call on Tuesday, May 7.

Thank you,
Daniel

Daniel E. Gorman*

Associate

troutman pepper

Direct: 212.704.6333 | Internal: 13-6333

daniel.gorman@troutman.com

*Licensed to practice law in New York and New Jersey.

From: Michael N. Impellizeri <Michael.Impellizeri@rivkin.com>

Sent: Friday, May 3, 2024 1:35 PM

To: Gibbs, J. Evan <Evan.Gibbs@troutman.com>; Adler, Matt <Matt.Adler@troutman.com>; Kent, Paris L. <Paris.Kent@troutman.com>; Gorman, Daniel E. <Daniel.Gorman@troutman.com>; kmulry@FarrellFritz.com

Cc: Ken Novikoff <Ken.Novikoff@rivkin.com>; Michael Mule <MichaelMule@mlaborlaw.com>;

NKoster@mlaborlaw.com

Subject: Demand to Withdraw Subpoena - Siteone Landscape Supply, LLC v. Giordano et al. / 2:23-cv-02084-GRB-SIL

CAUTION: This message came from outside the firm. DO NOT click links or open attachments unless you recognize this sender (look at the actual email address) and confirm the content is safe.

Counsel:

As you know, this firm, Rivkin Radler LLP, represents Defendants, Victor Caroleo, (“Victor”), Narrow Way Realty, Ltd., (“Narrow Way”), Nicholas Giordano, (“Nicholas”), Narrow Way 2, LLC., (Narrow Way 2”), Group 5 Associates, Ltd., (“Group 5”), Scapes Supply, LLC, (“Scapes”), and Neway Management, LLC, (“Neway Management”)(collectively, “Defendants”) in the above-referenced action.

We write to demand the immediate withdrawal of Plaintiff’s Subpoena *Duces Tecum* to American Community Bank (the “Bank”), dated April 26, 2024 (“Subpoena”), which was served for no other reason than to harass Defendants. Please accept this letter as a request to meet and confer to resolve this issue short of motion practice.

Initially, the Subpoena is palpably improper in that it seeks all documents related to every transaction made for the last six years of Victor and Narrow Way, none of which are remotely relevant or material to the claims in this action. Further, the

Subpoena's request for a "complete account history detailing all transactions" of accounts in the name of Victor and Narrow Way is both grossly overbroad and unduly burdensome. Additionally, the Subpoena fails to tailor its request in any manner whatsoever, much less identify categories of documents tailored to the facts, claims, or legal issues in Plaintiff's Amended Complaint.

For these reasons, and others, please confirm that Plaintiff will withdraw the Subpoena by 10:00 AM, on May 6, 2024.

Although we would prefer to avoid costly and ultimately unnecessary motion practice, if Plaintiff fails to confirm its withdrawal of the Subpoena by 10:00 AM on May 6, 2024, Defendant will have no choice but to bring a motion to quash. Additionally, Defendants will be notifying the Bank that Defendants intend to move to quash the Subpoena, and will request the Bank not respond to the Subpoena until the motion is resolved by the Court.

All rights reserved. Please be guided accordingly.



Michael N. Impellizeri

Associate

926 RXR Plaza, Uniondale, NY 11556-0926

D 516.357.3118 T 516.357.3000 F 516.357.3333

Michael.Impellizeri@rivkin.com

www.rivkinradler.com



NOTICE: This message may contain information that is confidential or privileged. If you are not the intended recipient, please advise the sender immediately and delete this message. See: <http://www.rivkinradler.com/disclaimer-electronic-communications/> for further information on confidentiality.

This e-mail (and any attachments) from a law firm may contain legally privileged and confidential information solely for the intended recipient. If you received this message in error, please notify the sender and delete it. Any unauthorized reading, distribution, copying, or other use of this e-mail (and attachments) is strictly prohibited. We have taken precautions to minimize the risk of transmitting computer viruses, but you should scan attachments for viruses and other malicious threats; we are not liable for any loss or damage caused by viruses.